

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARC LELAND,

Plaintiffs,

-against-

AXA ADVISORS, LLC,

Defendants.

COMPLAINT

CIVIL ACTION

FILE NO. 06-cv-3488

JURY TRIAL DEMANDED

Plaintiff, Mark Leland, and for his Complaint against the Defendant AXA Advisors LLC (hereinafter AXA), shows this Court the following:

NATURE OF ACTION

1. This is an action under Title I of the Americans With Disabilities Act of 1990 and Title I of the Civil Rights Act of 1991, to correct and remedy unlawful employment practices on the basis of disability and to make whole and compensate Mark Leland (Leland). The Defendant discharged Leland, a qualified individual with a disability, from his position with the Defendant, because of his disability.

JURISDICTION AND VENUE

2. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. Sections 1331 and 1343. This action is authorized and instituted pursuant to Section 107(a) of the Americans With Disabilities Act of 1990 ("ADA"), 42 U.S.C. Section 12117(a), which incorporates by reference Sections 706(f) (1) and (3) of the Title VII of the Civil Rights Act of 1964

("Title VII"), 42 U.S.C. Sections 2000e-5(f) (1) and (3), and pursuant to Section 102 of the Civil Rights Act of 1991, 42 U.S.C. Section 1981a.

3. Venue is proper within this District pursuant to 42 U.S.C. Section 2000e-5(f) (3) as adopted by the terms of 42 U.S.C. Section 12117(a), and 28 U.S.C. Section 1391.

PARTIES

4. Plaintiff Leland is and was at all times material hereto a resident of 329 Bradely Ave, Northvale NJ 07647.

5. At all relevant times, the Defendant Axa is and has been a Delaware corporation doing business within this District and Division at 1633 Broadway New York, NY 10019.

6. At all relevant times Defendant Axa has employed more than twenty-five employees and otherwise met the jurisdictional prerequisites of the Title VII of the Civil Rights Act of 1964 as adopted by the Americans With Disabilities Act.

7. At all relevant times, Defendant Axa has been a covered entity under Section 101(2) of the ADA, 42 U.S.C. Section 12111(2).

GENERAL ALLEGATIONS

8. At all times material hereto, Plaintiff Leland was an employee of Defendant Axa within the meaning of 42 U.S.C. Section 12111(4) and a qualified individual with the disability who was able to perform the essential functions of his position as a Insurance Agent with Defendant Axa, with or without reasonable accommodation.

9. On or about January 28, 2005, Defendant Axa engaged in unlawful employment practices in violation of ADA Sections 102(a), 102(b)(1), 102(b)(5)(A), 102(b)(5)(B) and 503(a), 42 U.S.C. Sections 12112(a), 12112(b)(1), 12112(b)(5)(A), 12112(b)(5)(B) and 102203(a) because it refused to make reasonable accommodations to the known disability

of the Plaintiff, and discharged the Plaintiff from his position of employment after such refusal to, and because of the need to, make reasonable accommodation to his known disability, and/or Plaintiff Leland was able to perform the duties of his job without the need for accommodation, but Defendant Axa fired him due to his disability.

10. The effect of the practices complained of above has been to deprive Leland of equal employment opportunities and otherwise adversely affect his status as an employee because of his disability.

11. The unlawful employment practices complained of above were and are intentional.

COUNT I

12. Plaintiff incorporates by reference the allegations of Paragraphs 1 through 12 and realleges same as if separately plead herein.

13. By the conduct described above, Defendant Axa has engaged in unlawful employment practices and discriminated and retaliated against Plaintiff Leland on account of his known disability and exercise of his rights protected by the ADA in violation of 42 U.S.C. Sections 12112(a), 12112(b)(1), 12112(b)(5)(A), 12112(b)(5)(B) and 12112(d)(1).

14. Plaintiff has been damaged by Defendant's actions, and is entitled to relief as set forth in his Prayer for Relief.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Mark Leland, prays for the following relief:

A. That the Court declare the Defendant's conduct complained of herein to be in violation of the Plaintiff's rights as secured by the Americans With Disabilities Act;

B. That the Court permanently enjoin the Defendant Axa and its owners, officers, management personnel, employees, agents, attorneys, successors and assigns and those acting in concert therewith from any conduct violating Plaintiff's rights as secured by the Americans With Disabilities Act

C. That the Court award him compensatory damages in the amount of Ten Million Dollars;

D. That the Court award him punitive damages in the amount of One Hundred Million Dollars;

E. That the Court order the Defendant Axa to make whole Leland, by providing him appropriate lost earnings and benefits with pre-judgment interest, and other affirmative relief, including but not limited to reinstatement.

F. That the Court award him attorney's fees and costs incurred in prosecuting this action, and

G. That the Court award him such additional and further relief as it deems just and proper.

JURY TRIAL DEMANDED

The Plaintiff demands a jury trial on all issues raised by the Complaint.

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